

REMARKS

Entry of this amendment and reconsideration of this application, as amended, are respectfully requested.

Claim 20 was rejected under 35 U.S.C. §112, first paragraph for reasons which are believed to be overcome by the amendment to that claims.

Claims 1-4, 6 8-13 and 17-18 were rejected on the ground of non-statutory obviousness-type double patenting over claims 27-29 and 36-38 of co-pending USSN 10/856,034. Applicants respectfully traverse.

The prior application does not disclose or suggest the claimed subject matter, as admitted by the Examiner. Furthermore, the Examiner alleges that it would be obvious to administer the subject compound topically, a mere conclusory statement, and does not cite any objective support that the compound described in connection with the subject matter of claim 1 should be topically administered. Thus, this rejection must be withdrawn.

Claims 1-4, 6 8-13, 15, 17-18 and 22 were rejected under 35 U.S.C. §102(b) over Ehinger. Applicants respectfully traverse.

Ehinger disclose the use of AWD12-281 after an allergic challenge with TDI in addition to treatment with the compound prior to the allergic challenge, wherein according to the presently pending claims the treatment is first administered after an allergic challenge, i.e., therapeutically.

Claims 20-21 and 23 were rejected under 35 U.S.C. §103(a) over Ehinger in view of Winget. Applicants respectfully traverse.

This rejection must be withdrawn from the reasons set forth above with respect to the §102(b) rejection since Winget does not overcome the deficiencies of Ehringer.

Claims 1-4, 6, 8-13, 15, 17-18 and 22 were rejected under 35 U.S.C. §103(a) over Baeumer. Applicants respectfully traverse.

The Examiner alleges that the above claims are not novel over the document Baeumer. Baeumer disclose the use of AWD12-281 for the treatment of allergic dermatitis in mice. However, AWD12-281 was administered before the allergic challenge, in contrast to the presently pending claims. The rejection must, therefore, be withdrawn.

Furthermore, the Examiner is invited to review the claims because according to the pending claims first AWD12-281 administration takes place after the allergic challenge and, the success of this method was not obvious as similar experiments here the PDE4 inhibitor cilomilast was administered after TDI challenge failed to be effective (cf. description page 3, paragraph 3 and Figure 3). Therefore, this rejection must be withdrawn.

Claims 1-4, 6, 8-13, 15, 17-18 and 23 were rejected under 35 U.S.C. §103(a) over Höfgen. Applicants respectfully traverse.

Höfgen discloses the use of the compounds of formula (I) as PDE4-inhibitors. In col. 7, lines 15-55, certain diseases are explicitly mentioned. Höfgen does not specifically disclose the treatment of allergic skin diseases in which the medicament is topically administered after an allergic challenge.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in

this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR-1221-US. A duplicate copy of this paper is enclosed.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By James R. Crawford
Reg. No. 39.155

666 Fifth Avenue
New York, New York 10103
(212) 318-3148